



500.35 DUI Traffic Enforcement

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POLICY

The Hendry County Sheriff's Office will seek out and remove impaired drivers from the streets of Hendry County and discourage people from driving while impaired through proactive enforcement action.

PROCEDURE

- A. Members of the Hendry County Sheriff's Office will take a pro-active approach to detecting impaired drivers and removing them from roadways. Enforcement of laws dealing with intoxicated drivers is the responsibility of all sworn personnel and should be a priority with Sheriff's personnel.
 1. Deputies will be alert for any signs of impairment that may be seen after a traffic stop is initiated.
 2. When deputies suspect that a driver is impaired, deputies will request the violator perform roadside Standardized Field Sobriety Tasks (SFST) (deputies should use their discretion to determine if the driver is impaired to the point that performing any of the tasks listed below would cause harm to the driver by falling down, etc., and if so refrain from performing that particular task, documenting such on the Field Sobriety Task Performance Report and case report). Suspected impaired drivers performing DUI exercises should be recorded when possible. If the violator agrees, deputies will have the violator perform the following:
 - a. Horizontal Gaze Nystagmus
 - b. Walk and Turn
 - c. One-Leg Stand
 3. Alternate tasks that may be used are:
 - a. Finger count
 - b. Hand slap
 - c. Rhomburg balance
 4. Alternate Tasks that require certification may be used are:
 - a. Palm Pat
 - b. Hand Coordination
 5. When violators are arrested, the following procedures will be followed:
 - a. Deputies will notify the Telecommunications Center of the arrest and will note the time of arrest. The time given by the Telecommunications Center will be the official time of arrest.

- b. The violator's vehicle will be towed for safekeeping by the appropriate rotation wrecker service, except in the following circumstances:
 - 1. There is a responsible, unimpaired licensed driver in the vehicle to whom the suspect wants the vehicle released. This will only apply if the suspect is the registered owner and the passenger has a valid driver's license in their possession.
 - 2. The owner of the vehicle is unimpaired and present at the scene.
 - 3. The arrest is made at the owner's residence.
 - 4. An owner or driver can respond to recover the vehicle if they can arrive in the time it would take for a wrecker to arrive.
 - c. The arresting deputy will transport the suspect to the closest breath testing location.
6. The arresting deputy will be responsible for all citations, arrest affidavits, vehicle impoundment forms, refusal forms (if necessary), AIR, and recovery of investigative costs form.
- a. The Breath Test Operator (BTO) will be responsible for the breath testing and associated forms.
 - b. Violators do not have a right to consult with an attorney prior to the breath test.
 - c. Violators do not have a right to make phone calls prior to taking the breath test, at the breath testing facilities. Once the test has been given or a blood or urine sample taken, timely telephone access may be provided if requested. A deputy will not interfere with the defendant's opportunity to obtain an independent blood or urine test at his/her own expense, if requested.
7. A DUI Uniform Traffic Citation will be used for refusal or unlawful BrAC (.08 or greater) cases. In all other cases, a standard UTC will be used. When deputies seize and suspend the driver's license of a suspect, the following procedure will apply:
- a. The following copies of forms will be enclosed in the DUI case packet:
 - 1. Blue copy of DUI UTC.
 - 2. Agency/Deputy copy of Arrest Affidavit
 - 3. Breath test results or copy of refusal
 - 4. Defendant's drivers license
 - 5. Field Sobriety Task Performance Report
 - 6. Cost of Investigation Affidavit
 - b. When sufficient sample results of the breath tests are less than .08g/210L, the violator's license will not be seized for suspension.
 - c. When the results of the breath test are less than .08g/210L the arresting deputy may request the violator to give a urine sample after reading the violator the appropriate implied consent warning. The sample, if given, will be sent to the FDLE lab and tested for controlled substances.
 - d. FS 322.2615 provides for the seizure and suspension by the arresting deputy of the driver's license of persons charged with DUI, FS 316.193, under certain circumstances. The seizure and suspension by arresting deputy may be conducted:
 - 1. When the results of the breath test indicate an unlawful breath alcohol level of .08g/210L or greater.

2. The defendant refuses to submit to the breath test or provide a urine sample.
8. Under no circumstances will any member of the Hendry County Sheriff's Office permit an impaired driver to continue to operate a vehicle.

DEFINITIONS

BAC – Blood Alcohol Content. A B.A.C. of 0.08g/100ml or higher is considered impaired.

BrAC – Breath alcohol content. A BrAC of .08g/210L or higher is considered impaired.

DUI – Driving under the influence of alcoholic beverages or chemical substances as defined by FS 316.193 (1)(a)(b).

DUI UNIFORM TRAFFIC CITATION – A citation issued only for DUI arrests when the driver's BrAC is .08g/210L or higher, or when the driver refuses to submit to a breath test or request for a urine or blood test.

IMPAIRED – A person under the influence of alcoholic beverages and/or any chemical substance set forth in 877.111, or any substance controlled under Chapter 893, when the person's normal faculties are affected.

UNIFORM TRAFFIC CITATION (UTC) – Standard traffic summons issued for all traffic offenses except for DUI arrests.

REFERENCES

State/Federal Regulations:

Florida Statute 316.193

Florida Statute 322.2615

CFA:

CFA Standard 18.02M

Forms:

500.35-01 DUI Packet Cover Sheet

500.35-02 DUI Packet Checklist

500.35-03 Field Sobriety Exercise (FSE) Performance Report

500.35-04 Implied Consent Warning – Breath & Urine – English

500.35-05 Implied Consent Warning – Breath & Urine – Spanish

500.35-06 Implied Consent Warning – Blood – English

500.35-07 Implied Consent Warning – Blood – Spanish

500.35-08 Affidavit of Refusal to Breath Urine

500.35-09 Affidavit of Refusal to Blood

500.35-10 Certification of Blood Withdraw

500.36-11 FDLE Toxicology Services DUI Work Request Form

500.36-12 Confiscated Driver's License Form

500.51-01 Advisement of Miranda – English

500.51-02 Advisement of Miranda - Spanish

Other Policy/ Procedure References:

None